

REMARKS

STATUS OF CLAIMS

Claims 1-18 were pending in the application. Claims 4-5, 12, and 14-17 were withdrawn from further consideration by the Examiner as being drawn to a non-elected invention. Claims 19-22 have been added here to more fully claim what Applicant considers the invention. These claims are readable upon the elected invention. Applicant herein requests reconsideration and allowance of the subject application, and in particular claims 1-3, 6-11, and 18-22.

Restriction Requirement

Applicant was required to elect one single invention for further prosecution among the following groups:

Group I, claims 1-11 and 13-18 drawn to a compound of Formula (I); or

Group II, claim 12 drawn to a method of using a compound of Formula (I).

During a telephone conversation Applicant provisionally elected to prosecute the invention of Group I, claims 1-11 and 13-18. Furthermore, the election of species of the compound of ID1 in Table 1 found on page 48 of the specification is also acknowledged wherein x is NH; Ar1 is 3,4-dichlorophenyl; Z is CH; R2 is CH₂-COOH; R1 is H; Y is a valence bond; Ar2 is P-Cl-phenyl. Affirmation of this election is made herein.

Rejection Under 35 U.S.C. 112, second paragraph

Claims 1 and 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With conceding the allegation, amendments have been made to better clarify the invention. These amendments bring the respective claims in line with those in a corresponding European case.

Rejection Under 35 U.S.C. 102(b)

Claims 1-3, 6-8, 13 and 18 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Joshi et al. as explained at pages 10-11 of the Office Action.

While Applicant believes the claim as filed was patentable over the Joshi reference, an amendment has been made to more clearly distinguish the claim from the reference, this amendment being made to expedite prosecution of the application. In particular, Claim 1 as amended disclaims R2 from being Me-CH(-COOH).

Applicant notes that the compounds of the prior art reference are described such that "some derivatives (unspecified) possessed tuberculostatic activity". In contrast, the compounds according to the present invention have been found to be useful in the treatment of AGC kinase related diseases, in particular diabetes, Alzheimer's disease, Huntington's disease, Parkinson's disease, AIDS associated dementia, amyotrophic lateral sclerosis, multiple sclerosis, schizophrenia, cardiomyocyte, hypertrophy, reperfusion/ischemia, and baldness. Clearly none of these diseases have any relationship with tuberculosis. From that point of view, it would not be obvious from the prior art that the claimed formula would lead to a pharmaceutical for the treatment of the named diseases.

Accordingly, Applicant submits that the rejection of claims 1-3, 6-8, 13 and 18 based on Joshi has been overcome and should be withdrawn.

Objection to the Title of the Invention

The Examiner states that the title of the invention is not descriptive. A new title has been provided that is clearly indicative of the invention to which the claims are directed.

Conclusion

Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (619) 881-4615 in order that any outstanding issues be resolved.

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Respectfully submitted,

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